



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 10, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-81 Allen v. Sully-Miller Contracting Co., S088829. (B127946; 80 Cal.App.4th 245.) Petition for review after the Court of Appeal reversed a judgment in a civil action. The court ordered briefing deferred pending decision in Day v. City of Fontana, S08461 (E022011; 76 Cal.App.4th 293), which concerns whether Civil Code section 3333.4 bars non-economic damages in an action for nuisance or dangerous condition of property.

#00-82 Estate of Griswold, S087881. (B128933; 79 Cal.App.4th 1380.) Petition for review after the Court of Appeal reversed an order in a probate proceeding. This case includes the issue of whether confession in another state to charges that led to a judgment of reputed paternity is sufficient to meet the requirements of Probate Code section 6452. This section requires that the parent "acknowledge the child" for purposes of determining whether the parent, or the parent's relatives, may inherit from the child when the child dies intestate.

#00-83 Lockheed Martin Corp. v. Superior Court, S088458. (E025064; 79 Cal.App.4th 1019.) Petition for review after the Court of Appeal granted a petition for
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peremptory writ of mandate. This case concerns whether an action seeking medical monitoring because of contamination of ground water can meet the standards of commonality required for class certification.

#00-84 Lugtu v. California Highway Patrol, S088116. (D032518; 79 Cal.App.4th 359.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether a law enforcement officer who makes a traffic enforcement stop off the travel lanes of a freeway owes a duty of reasonable care to the occupants of the stopped vehicle so that the officer or his employing agency is potentially liable for injuries when the stopped vehicle is thereafter struck by a vehicle driven by a third party.

#00-85 People v. McCoy, S087893. (C024654; 79 Cal.App.4th 67.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offense. This case concerns whether a flawed instruction on imperfect self defense required reversal of murder and attempted murder convictions of both the actual perpetrator and an aider and abettor.

#00-86 People v. Spence, S087865. (C028033; 78 Cal.App.4th 1242.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Moss, S087478 (#00-79), which concerns whether a peace officer who searches a probationer subject to a search condition violates the Fourth Amendment rights of that individual if the officer is ignorant of the condition.

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